REMARKS

With entry of this amendment, claims 1, 4-7, 14, 15, 22, 23, 26, 36, 37, and 43-72 are pending. Of these, claims 1, 4-7, 14, 15, 22, 23, 26, 36, and 37 stand rejected, and claims 43-72 have been newly added. Claims 2, 3, 8-13, 16-21, 24, 25, 27-35, and 38-42 have been cancelled, thereby rendering the rejections of these claims moot. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §103

Abrishami and Chen

Claims 1, 4-7, 14, 15, 22, 23, 36, and 37 stand rejected under 35 U.S.C. §103 as being obvious over U.S. Patent Publication No. 2001/0046259 to Abrishami ("Abrishami") in view of U.S. Patent Publication No. 2005/0089052 to Chen ("Chen"). Without acquiescence that Chen is a §102(e) prior art reference, and without prejudice to antedate this reference should it become necessary, Applicant respectfully traverses this rejection, since neither Abrishami nor Chen, alone or in combination, disclose, teach, or suggest the combination of elements required by these claims.

While Applicant does not believe that the original claims were obvious over the combination of Abrishami and Chen, Applicant has amended the claims to further clarify what it regards as the invention. In particular, independent method claim 1 has been amended to clarify that that the detected call between the first and second modems is made over the wireless voice channel, and in lieu of using the element "terminating the modem call," the elements "establishing a connection with the first modem in response to the detected modem call" and "receiving data from the first modem over the connection"

were used. Analogous amendments were made to independent apparatus claim 22, as well as adding several structural elements used to perform several of the functions already recited in original claim 22.

Thus, if there was any previous doubt as to the claimed invention, it is now clear that claims 1 and 22 require that there be a detection of a modem call from a first modem to a second modem over a wireless voice channel, and upon such detection, establishing a connection with the modem, acquiring data from the modem over the connection, demodulating the data, and relaying the demodulated data over a wireless broadband channel. In contrast, although Chen may teach the use of a wireless broadband channel to transmit data, there is no suggestion that such data be demodulated data from a calling modem, and certainly no suggestion that such data be relayed over a wireless broadband channel in response to the detection of a call made from that modem to another modem over a wireless voice channel.

In the context of the claim 1 and 22 inventions, Abrishami merely teaches the use of relaying demodulated data from a modem over a narrowband network. Notably, Applicant could find nowhere in Abrishami that suggests that the narrowband digital network is wireless. Chen merely teaches the use of transmitting data over a wireless broadband channel. Thus, even if Abrishami taught the use of a narrowband wireless digital network to relay demodulated data from a modem, which it apparently does not, there is no suggestion in Abrishami that such demodulated data be relayed over a wireless broadband channel in response to the detection of a call made by the modem over a wireless voice channel. The only modification to the Abrishami system that Chen could possibly suggest is to replace the entire narrowband digital channel used by the Abrishami system with a

wireless broadband channel—a combination that would not result in the inventions of claims 1 and 22.

Thus, Applicant submits that independent claims 1 and 22, as well as the claims depending therefrom (claims 4-7, 14, 15, 23, 36, and 37), are not obvious over the combination of Abrishami and Chen, and as such, respectfully requests withdrawal of the §103 rejections of these claims.

Claim Rejections-35 U.S.C. §103

Claim 26 stands rejected under 35 U.S.C. §103 as being obvious over Abrishami, in view of Chen, in further view of U.S. Patent Publication No. 2004/0125824 to Preston ("Preston"). Applicant respectfully traverses this rejection, since these references, do not, alone or in combination, disclose, teach, or suggest the combination of elements required by claim 26.

In particular, as discussed above, the combination of Abrishami and Chen do not disclose, teach, or suggest the invention of claim 22 from which claim 26 depends, and Preston fails to supplement this failed teaching. Thus, Applicant submits that claim 26 is not obvious in view of the combination of Abrishami, Chen, and Preston, and as such, respectfully requests withdrawal of the §103 rejections of these claims.

New Claims

Applicant submits that newly added claims 43-72 find support in the originally filed application, and are believed to be patentable over the cited prior art. In particular, since claims 43-48 depend from independent claim 1, and claim 49 depends from independent claim 22, these claims are patentable for at least the same reasons as independent claims

1 and 22. Independent claims 50 and 65, as well as the claims depending therefrom (claims 51-64 and 66-72), essentially require the detection of a modem call over a wireless voice channel, and the relaying of data from the modem over a wireless broadband channel if the data transfer rate from the modem is greater than the bandwidth of the wireless voice channel—a combination not disclosed in the cited prior art.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

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